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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 GINI CHRISTENSEN,

12 Plaintiff,

13 vs.

14 CARDTRONICS USA, INC.; et al.,

15 Defendants.

CASE NO. 11-cv-0236 BEN (BLM)
ORDER GRANTING MOTION FOR
TEMPORARY STAY OF
PROCEEDINGS

[Docket No. 9]

16 This action arises from the use of an automated teller machine that allegedly failed to notify
17 the user of relevant transaction fees. On February 3, 2011, Plaintiff initiated the action in this Court.
18 On March 30, 2011, Defendants filed a Motion for Temporary Stay of Proceedings based on a motion
19 pending before the Multi-District Litigation ("MDL") Panel to transfer and consolidate this action with
20 three other actions, in the Southern District of Texas. (Docket No. 9.) On April 1, 2011, Plaintiff filed
21 a non-opposition to the Motion. (Docket No. 10.)

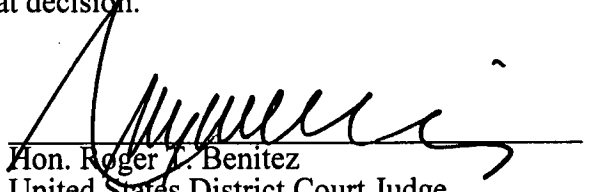
22 Despite Plaintiff's non-opposition, the Court must still consider the merits of Defendants'
23 motion so as to prevent the inefficient use of the Court's docket. To that end, the Court notes three
24 factors are relevant in determining whether a stay is appropriate pending a decision by the MDL Panel:
25 "(1) potential prejudice to the non-moving party; (2) hardship and inequity to the moving party if the
26 action is not stayed; and (3) the judicial resources that would be saved by avoiding duplicative
27 litigation if the cases are in fact consolidated." *See Rivers v. Walt Disney Co.*, 980 F. Supp. 1358,
28 1360 (C.D. Cal. 1997).

1 Applied here, the Court notes that Plaintiff has not claimed prejudice, and none could be found
2 especially in light of the early stage of the case. On the other hand, the present action is one of four
3 actions pending against Defendants, all of which appear to share common questions of fact and may
4 entail overlapping discovery. Therefore, Defendants may suffer hardship and inequity in the form of
5 duplicative work absent a stay in this case. Additionally, this is not a situation where the moving party
6 seeks an undetermined length of stay. Rather, Defendants have already filed their MDL motion and
7 merely seek a stay pending the outcome of that motion. To continue this action while the MDL motion
8 is pending would force the Court to expend time and effort that it may not otherwise need to spend if
9 the action is ultimately transferred to the Southern District of Texas. Therefore, the Court could save
10 judicial resources by staying the case.

11 In light of the above, the Court **GRANTS** Defendants' Motion for Temporary Stay of
12 Proceedings (Docket No. 9). The above-captioned action is hereby **STAYED**. The May 9, 2011
13 hearing on Defendants' motion is hereby vacated. Defendants are instructed to file a Status Report
14 with this Court no later than August 1, 2011 that reports the status of the MDL motion, unless a
15 decision on the motion is entered earlier, in which case Defendants are instructed to file such Status
16 Report within seven (7) calendar days of entry of that decision.

17 **IT IS SO ORDERED.**

18 Date: April 8, 2011


Hon. Roger T. Benitez
United States District Court Judge